

PTO/SB/21 (04-04)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/670,665
Filing Date	September 24, 2003
First Named Inventor	Parks, Thomas P.
Art Unit	1626
Examiner Name	Taofiq A. Solola
Attorney Docket Number	010692-009120US

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Response to Restriction Requirement | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | Return Postcard |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | Remarks | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP	Reg. No. 39,381
Signature		
Date	September 1, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name Judith Cotham

Signature

Date September 1, 2004



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PATENT
Attorney Docket No.: 010692-009120US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On 9/1/04

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Thomas P. Parks *et al.*

Application No.: 10/670,665

Filed: September 24, 2003

For: STORE OPERATED CALCIUM
INFLUX INHIBITORS AND METHODS
OF USE

Customer No.: 20350

Confirmation No. 8360

Examiner: Taofiq A. Solola

Technology Center/Art Unit: 1626

RESPONSE TO RESTRICTION
REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In a Restriction Requirement dated August 5, 2004, the Examiner has indicated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 41-46, drawn to compounds and composition thereof, classified in several heterocyclic classes (540, 544, 546, 548) and non-heterocyclic classes (558, 562, etc.), numerous classes.

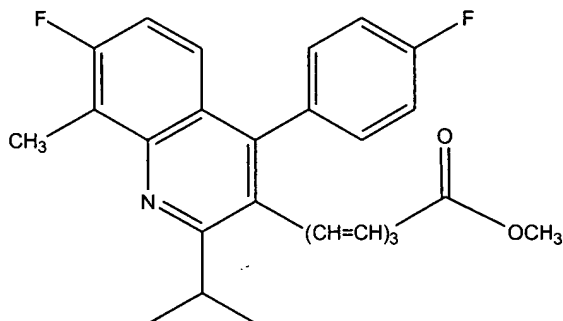
II. Claims 1-12, 82, drawn to methods of treating various inflammatory diseases, classified in classes 514, 548, 560, various subclasses.

III. Claims 66, 77, drawn to a method of blocking calcium influx, classified in classes 424, 514, 548, 560, various subclasses.

IV. Claim 83, drawn to methods of treating various types of diseases, classified in classes 434, 514, 548, 560, various subclasses.

In response, Applicants hereby elect Group I, drawn to heterocyclic compounds and compositions, with traverse. Claims readable thereon include claims 41-46 and 63.

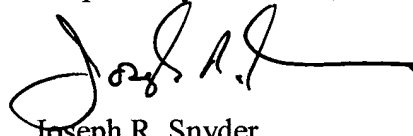
As to the species election, Applicants hereby elect compound 24, shown on page 30 of the specification, which is reproduced below for the Examiner's convenience.



As the Examiner is aware, under M.P.E.P § 821.04, if Applicants elect claims directed to the product, and the product claims are allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claims must be rejoined. Process claims, which depend from, or otherwise include all the limitations of the patentable product, will be entered *as a matter of right*. Therefore, Applicants reserve the right to join withdrawn process claims which include all the limitations of allowable product claims.

In view of the foregoing, Applicants respectfully request early action on the merits. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joseph R. Snyder', with a long horizontal flourish extending to the right.

Joseph R. Snyder
Reg. No. 39,381

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